

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 07-10817

v.

HONORABLE AVERN COHN

DESIREE WILLIAMS,

Defendant.

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**ORDER DENYING DEFENDANT'S REQUEST FOR A HEARING**

I.

This is a student loan case. In 1973, 1974, and 1983, defendant Desiree Williams (Williams)<sup>1</sup> borrowed money for student loans secured by plaintiff, the United States of America. Williams defaulted on the loans. As will be explained, a judgment has entered against Williams in the amount of the loans plus interest.

Before the Court is Williams Request for a Hearing in response to plaintiff's application for a writ of garnishment on the Michigan Department of Treasury. For the reasons that follow, the request is DENIED.

II.

On February 23, 2007, the government sued for recovery of the balance due. Williams, proceeding pro se, answered the complaint. In her answer, Williams did not deny the existence of the debt, but offered a variety of reasons why she has been unable to repay the debt. On June 25, 2007, the government filed a motion for

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<sup>1</sup>In her current papers, defendant uses the name Desiree Woods.

summary judgment requesting judgment in the amount of \$5,294.14, prejudgment interest, and post judgment interest as provided by statute. The government attached as exhibits the relevant loan documents, including promissory notes and certificates of indebtedness, evidencing the debt. The government also explained that Williams' reasons for not repaying the debt articulated in her answer do not constitute valid legal defenses. Williams did not respond.

On September 6, 2007, the Court granted plaintiff's motion. On September 11, 2007, the Court entered a Judgment against Williams in the amount of \$5,294.14 plus pre-judgment interest from the date of filing the complaint, plus post-judgment interest under 28 U.S.C. § 1961.

Thereafter, on October 5, 2007, plaintiff filed a request for issuance of a Writ of Continuing Garnishment upon the Michigan Department of Treasury. On October 16, 2007, Williams filed a Request for Hearing About the Answer Filed by the Garnishee. Attached to the Request was a letter from Williams in which she outlines a number of reasons why she has not been able to repay the debt.

On October 19, 2007, plaintiff filed a response to Williams' request. Plaintiff says a hearing is not required for two reasons. First, the Michigan Department of Treasury has not filed a disclosure and that "there is no indication that there exists any funds payable from the State for the Defendant. . . . [therefore Williams'] request for hearing is moot." Second, Williams' alleged reasons for not being able to repay the debt are not valid objections to a garnishment.

III.

Plaintiff's position is well-taken. There is no need for a hearing. A judgment has been entered against Williams for which she must take responsibility. However, the Court advises counsel for plaintiff to negotiate with Williams a realistic payment plan.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: October 25, 2007

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record and Desiree Woods, 4454 French Road, Detroit, MI 48214 on this date, October 25, 2007, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160